



## COMMUNITY DEVELOPMENT DEPARTMENT

17555 Peak Avenue Morgan Hill CA 95037 (408) 779-7247 Fax (408) 779-7236  
Website Address: [www.morgan-hill.ca.gov](http://www.morgan-hill.ca.gov)

### PLANNING COMMISSION MEETING MINUTES

#### REGULAR MEETING

JUNE 8, 2004

PRESENT: Acevedo, Escobar, Lyle, Mueller, Weston

ABSENT: Engles

LATE: Benich, who arrived at 7:55 p.m. and was seated on the dias

STAFF: Planning Manager (PM) Rowe, Associate Planner (AP) Plambaeck and  
Minutes Clerk Johnson

Chair Weston called the meeting to order at 7:05 p.m., and invited Commissioner Escobar to lead the flag salute.

#### **DECLARATION OF POSTING OF AGENDA**

Minutes Clerk Johnson certified that the meeting's agenda was duly noticed and posted in accordance with Government Code Section 54954.2.

#### **OPPORTUNITY FOR PUBLIC COMMENT**

Chair Weston opened the public hearing.

Chair Weston paid tribute to Commissioner Mueller by acknowledging the 'outstanding job he performed as Chair during 2003 – 04'.

Commissioner Acevedo announced the opening of the new Aquatic Center, urging all listening to attend the celebration.

With no one present from the audience wishing to address matters not appearing on the agenda, the public hearing was closed.

#### **MINUTES:**

MAY 11, 2004

COMMISSIONERS MUELLER/ACEVEDO MOTIONED TO APPROVE  
THE MAY 11, 2004 MINUTES, WITH THE FOLLOWING MODIFICATIONS:

Page 16, paragraph 3: Morgan Hill Community Health ~~Commission~~  
*Foundation*, as well as being on the ~~Board of Directors~~ *Citizen's Advisory*

**PLANNING COMMISSION MEETING MINUTES**

**JUNE 8, 2004**

**PAGE 2**

*Board of Directors of O'Conner Hospital for consultation to the DePaul Hospital Health Center*

Page 17, paragraph 7: (correct) *Commissioner Acevedo commented that the staff report appears to view Morgan Hill Ranch as similar to this project; he stated it look as if that staff was trying to ascertain if the Commissioners intend viewing the two projects uniformly for uses of this nature.*

Page 18, paragraph 2: (add) By consensus, the Commissioners agreed to add the words "such as" to the water courses example in the parentheses, thereby resolving any confusion or misinterpretation.

Page 18 paragraph 4: points allotments

Page 19 paragraph 10: ~~and certainly didn't want to do a two year~~  
....having a small and after "rate" insert "and"  
on the large.....

add [end of sentence] to reduce costs

Page 20, paragraph 5: [add at end] *The consensus of the Planning Commissioners was that a project had to have completed a phase or at least pulled 50% of the building permits for a phase by 9/30/04 in order to be considered for an on-going project set-aside.*

**THE MOTION CARRIED WITH THE FOLLOWING VOTE: AYES: ACEVEDO, ESCOBAR, LYLE, MUELLER; NOES: NONE; ABSTAIN: WESTON; ABSENT: BENICH, ENGLS.**

**MAY 25, 2004**

**COMMISSIONERS MUELLER/ESCOBAR MOTIONED TO APPROVE THE MAY 25, 2004 MINUTES, WITH THE FOLLOWING AMENDMENTS:**

Page 3, last paragraph: saying ~~all three have 15~~ *one project has 20 units and two others have 12 units for on-going (one has 12), .... better served to possibly only get three units.*

Page 8 paragraphs 2 and 4 ~~16.5~~ 16.2

**THE MOTION CARRIED WITH THE FOLLOWING VOTE: AYES:ACEVEDO, ESCOBAR, LYLE, MUELLER, WESTON; NOES: NONE; ABSTAIN: NONE; ABSENT: BENICH, ENGLS.**

*Commissioner Mueller informed that Commissioner Benich will be arriving late, and wishes to participate in discussion on item 5.*

**OLD BUSINESS:**

**1) ZA-04-01/  
SD-04-08/DA-04-01:  
TILTON-  
GLENROCK**

A request to amend the precise development plan for the Capriano subdivision located on the east side of Hale Ave., south of Tilton Ave. The proposed amendment would allow for 24 single family detached homes. Also requested is the approval of a 24 lot subdivision map and development agreement for a 27 acre portion of the 67 acre Capriano project.

PM Rowe reported, giving the background of the item and noting the addition to the Standard Conditions. PM Rowe reminded that at the recent hearing on this matter, the Commissioners lengthy discussion on the unit(s) placement, changes in the numbers of BMRs, changes in the size of BMRs and the moderate rate units, and use of z-lots. This evening, PM Rowe explained, the Commissioners would be considering a modified layout which has been requested for Phase 6.

PM Rowe reminded that an approved plan had been granted by the Commissioners on a

# PLANNING COMMISSION MEETING MINUTES

JUNE 8, 2004

PAGE 3

vote of 6/1/0:

Development Agreement; Page 8, subparagraph (l) (i) (Affordable Housing)

~~three~~ *two (2)*

*1275* sq ft

*3* bedrooms

*2 1/2* baths

~~The BMR unit shall be under construction and the framing inspection passed prior to the issuance of the 20<sup>th</sup> building permit.~~

but new concerns, particularly with the BMRs , had surfaced. Therefore, this is the request for an amendment to the precise development plan, subdivision and development agreement in phase 6 of the project at the present time.

PM Rowe called attention to the table at the bottom of page 3, with the following corrections:

No. of Mod's Required in R-1 Area	
Future phases	<del>9</del> 3.2
Total units in R-1	<del>12.6</del> 6.8

PM Rowe then turned to page 4 of the staff report, explaining the reasons for the recommendation of the deletion of the single BMR. PM Rowe stressed that if the recommendation is adopted by the Commission, no further BMRs will be placed on Saffron Dr., with placement instead to the interior - or dispersed elsewhere throughout the project.

PM Rowe further commented on the contents of the staff report, contained in the recommendation on page 4. Lastly, PM Rowe indicated that the following modifications of the resolutions be made:

- 1) Sections in Resolution No. 04-63 were to be re-numbered to eliminate duplication.
- 2) Resolution No. 04-65, Exhibit "B": IV: Building Permit Submittal ~~08-31-04-08-1-04~~

Commissioner Acevedo clarified the lot numbers in the staff report, and questioned the relocation on Fennel of the single unit lot. This led to discussion regarding the fact that there is not a need for the BMR in this section, and Commissioner Mueller suggesting possible alternatives to ensure enough BMRs are placed in the project.

Chair Weston opened the public hearing.

Rocke Garcia, 1000 Old Quarry Road, San Jose, the applicant, distributed letters to the Commissioners, and referring to that communication, said he thought staff had approved layout as was indicated. Mr. Garcia said he wanted to address that what was before the Commissioners was the layout with the changes applied for in January, 2004.

Chair Weston asked if the Commissioners approve what is being presented tonight, can it be assumed that the total plan is being approved? Mr. Garcia said, no and told of the changes in Measure P. He reiterated that he thought an agreement had been achieved for tract 9525, as he spoke on the moderate rate unit(s) placement on the Z-Lots and

## PLANNING COMMISSION MEETING MINUTES

JUNE 8, 2004

PAGE 4

placement of the houses with modified setback units. Mr. Garcia then turned to Ordinance 1641, reminding that the developers must show attachment of the units beyond 2003-04. Because the Z-Lots cannot show attachment, we have withdrawn our earlier request, he read from the letter, requesting that the BMR at Coriander and Saffron be left as planned. Mr. Garcia explained that the finalized project is expected to be approximately 212 units and 10% of that number will require 21 BMRs. Mr. Garcia emphasized that the project will have an odd number of BMRs, and recalling that he had requested to use the corner for the BMRs. "If we put the moderate unit now in this phase, we will only have one lot below the desired size," Mr. Garcia claimed, as he explained why it is better placement of the BMR. Mr. Garcia also said that instead of 1,275 sq. ft. for a BMR, this will be 1,272 sq. ft., so he wants this flexibility as well. Mr. Garcia stressed that there is a request before the City Council for an extension to Ordinance 1641 by Mr. Oliver, Mr. Schilling, and he. Mr. Garcia accented the fact that BMRs will be spread through the project as he pointed out the location of the BMRs.

Commissioners discussed the following with Mr. Garcia and PM Rowe:

- staff assumption of 16 BMRs in the R-1 area (now indicated to be 15)
- moderate units must be east of Dougherty
- uneven numbers of moderate rate units and BMRs
- achieve balance between moderates and minimum lot size
- step up from single to double story of houses
- high number of moderates on Dougherty
- numbers of BMRs in various phases because of odd number of total BMRs
- start date of project

With no others in the audience indicating a wish to speak to the matter, Chair Weston closed the public hearing.

Responding to Chair Weston, the Commissioners said that the open space matters of the project should be left to the staff to determine.

Commissioners discussed the following issues relating to the project:

- 15 instead of 16 BMRs
- placement of BMRs to insure that clustering does not become a problem
- relocation of BMR to Dougherty, where there is density now
- placement on saffron
- configuration of units on Z-lots
- frontage feet of Z-lots
- need for flexibility of configuration of streets

PM Rowe commented that the developer's notion of Saffron coupled with a cul-de-sac would prevent 'feathering' to larger lots on the south side of Tilton Avenue as required.

Discussion ensued regarding lots on Saffron (6-15 and 6-16 and 6-22 and 6-23) where the individual lot front footage sum is greater than 80, but less the individual frontage. Explanation was provided by PM Rowe, who said that typically in the three-unit triplex configuration of a project, developers have been allowed to build down to less than the 40 ft. width requirement, and in some instances 35 feet for the center unit of the triplex.. Mr. Garcia pointed out that the narrowest frontage in this phase is 36.5 feet and

**PLANNING COMMISSION MEETING MINUTES**

**JUNE 8, 2004**

**PAGE 5**

because of the combination in the Z-lot configuration, these lots have a combined frontage in excess of 80 feet total.

Commissioner Mueller commented that in building a triplex, the frontage feet are not a major issue, but in a duplex with the Z-lot, it can be. Commissioner Mueller continued that if the Z-lot is allowed for this phase, it will not be regarded as precedence setting for the remaining lots until staff has assessed the matter. Chair Weston agreed that the matter will be reevaluated for future phases. PM Rowe reminded that if the Commissioners approve the precise plan, it does not lock in future consideration of change.

**COMMISSIONER MUELLER OFFERED RESOLUTION NO. 04-63, RECOMMENDING APPROVAL, TOGETHER WITH THE FINDINGS AND CONDITIONS CONTAINED WITHIN, OF AN AMENDMENT TO A RESIDENTIAL PLANNED DEVELOPMENT ON A 67-ACRE SITE LOCATED ON THE EAST SIDE OF HALE AVE., SOUTH OF TILTON AVE., AND ADJACENT TO THE WEST OF THE RAILROAD TRACKS, WITH THE FOLLOWING MODIFICATIONS:**

~~Section 6: These documents shall be amended to show moderate detached units of 1,815 sq. ft. in size on lots 6-14, 6-15, 6-22 & 6-23 and, the elimination of the BMR on lot 6-24 and the inclusion of the lot on the north east corner of the intersection of Dougherty Ave. and Fennel Ave., indicate agreement to three (3) BMRs as submitted.....~~

**Renumbering of the Sections in sequential order.**

**Section 8, item 4 ....Saffron Dr. shall be 9 10.**

**Section 8 (add) item 17: *Future phases of the project must have three (3) moderate rate units in the R-1 zoning district***

**THE MOTION WAS SECONDED BY COMMISSIONER ACEVEDO AND PASSED WITH THE FOLLOWING VOTE: AYES:ACEVEDO, ESCOBAR, LYLE, MUELLER, WESTON; NOES: NONE; ABSTAIN: NONE; ABSENT: BENICH, ENGLER.**

**COMMISSIONER MUELLER OFFERED RESOLUTION NO. 04-64, APPROVING A REQUEST, INCLUDING THE FINDINGS AND CONDITIONS CONTAINED THEREIN, FOR A 24-LOT, SINGLE-FAMILY RESIDENTIAL SUBDIVISION ON AN 8.7-ACRE PORTION OF LAND LOCATED ON THE EAST SIDE OF HALE AVE., SOUTH OF TILTON AVE., AND ADJACENT TO THE WEST OF THE RAILROAD TRACKS WITH THE FOLLOWING AMENDMENTS:**

**Standard Conditions Page 20**

**XXIII Other Conditions: items 6 and 7**

**Also included were the following modifications to the Development Agreement:**

**Exhibit "A" page 7: (k) TDC's purchased to date exceed the 105 allotments....**

**Exhibit "B" Building Permit Submittal 08-31 15-04**

**COMMISSIONER ACEVEDO SECONDED THE MOTION WHICH WAS PASSED WITH THE FOLLOWING VOTE: AYES:ACEVEDO, ESCOBAR, LYLE, MUELLER, WESTON; NOES: NONE; ABSTAIN: NONE; ABSENT:**

**PLANNING COMMISSION MEETING MINUTES**

**JUNE 8, 2004**

**PAGE 6**

**BENICH, ENGLER.**

**NEW BUSINESS:**

*Commissioner Benich was seated on the dais at this time.*

**2) UP-02-09: W.  
MAIN-DIAZ**

A request for approval of a conditional use permit to construct and operate a 723 sq. ft. hair salon at 285 W. Main Ave. in the Central Commercial Residential zoning district. The proposed salon would be an addition to the existing residence on the site.

PM Rowe gave the staff report, telling the Commissioners that this request constitutes 'horizontal mixed', as it is an additional commercial unit to the front of the property. PM Rowe explained that the parking consists of two spaces with an additional handicapped space. He indicated that the Architectural Review Board will work on specified aspects of the project, including architectural and landscape modifications necessary to support the commercial addition.

Chair Weston opened the public hearing.

With no one present to address the matter, the public hearing was closed.

**COMMISSIONER MUELLER OFFERED RESOLUTION NO. 04-56, APPROVING A USE PERMIT TO OPERATE A 723 SQ. FT. HAIR SALON TO BE LOCATED AT 285 W. MAIN, IN ADDITION TO THE EXISTING HOME LOCATED IN THE CENTRAL COMMERCIAL-RESIDENTIAL ZONING DISTRICT, INCLUDING THE FINDINGS AND CONDITIONS CONTAINED WITHIN. THE MOTION WAS SECONDED BY COMMISSIONER ESCOBAR AND PASSED WITH THE FOLLOWING VOTE: AYES: ACEVEDO, BENICH, ESCOBAR, LYLE, MUELLER, WESTON; NOES: NONE; ABSTAIN: NONE; ABSENT: ENGLER.**

*Chair Weston was excused for the next order of business at 8:12 p.m. due to a conflict of interest as the property owner. Vice-Chair Lyle assumed the gavel for agenda item 3.*

**3) UP-04-07:  
(INTERIM) DEPOT-  
DAYWORKER  
CENTER**

A request for an interim use permit to allow the deferral of eight on-site improvement requirements for a proposed day worker center to be located at the northeast corner of Depot Street and E. Main Avenue. The site is 0.68 acres and is located in the Central-Commercial Residential (CC-R) zoning district.

AP Plambaeck presented the staff report, noting that the zoning code had been amended by the City Council to allow non-profit agencies operating in the Central-Commercial Residential (CC-R) district to apply for an interim use permit to defer certain on-site improvements on a limited/non-permanent basis. The applicant, Saint Catherine's Church, has made application for eight (8) items to be deferred. AP Plambaeck said staff had evaluated the request and prepared the findings for the Interim Use Permit. He called attention to the following:

Case analysis – Interim Use Permit

Item 8, The viability of the exit plan. *Staff notes this needs more detail.*

Item 9, Public health, etc.: A) *The applicant needs to meet Title 24 requirements.* B) *The*

## PLANNING COMMISSION MEETING MINUTES

JUNE 8, 2004

PAGE 7

*applicant must be required to upgrade the parking lot and install developments to meet the requirements of ADA.*

Commissioner Escobar, referencing the staff report as well as the letter from the applicant, noted that the scope of services includes teaching ESL and providing job training. Where would these services be located? he asked. AP Plambaeck explained that the first priority of the applicant is to focus on hiring, then to present ESL instruction on site, adding that classrooms are an allowable use under the conditions of the permit.

Vice-Chair Lyle asked about parking for the operations? AP Plambaeck said the parking will be limited to clientele to be served.

Commissioner Benich said he was surprised about the hours of operation (7:00 a.m. to noon) noting that he sees day workers on the street in the afternoon. "How would that condition be policed?" he asked. AP Plambaeck said the applicant intends to work closely with employers to avoid odd alternative hours. Commissioner Mueller joined the discussion, saying he does not see a problem to extend the hours to 3:00 p.m. Commissioner Benich indicated he thought 3:30 - 4:00 p.m. would be better. Vice-Chair Lyle clarified that if the need for longer hours was determined, the longer hours would be 'OK'.

Commissioner Mueller said he was very apprehensive about not having a better exit plan in place. Commissioner Mueller said, "The applicant has identified the need for the exit plan, but it is very important, and I am concerned about sending this matter on to the City Council without that." PM Rowe explained that this is a recommendation and can include that they have an exit plan, which meets the Code.

Commissioner Acevedo indicated that the subcommittee had spent considerable time in discussion of concern of the Ordinance on whether the Church is an 'acceptable non-profit organization'? Planning staff said the City Attorney has indicated that is the case.

Commissioners then discussed with staff several concerns:

- impact for surrounding areas
- mechanism to get workers out of public driveways
- applicant's communication with employers (AP Plambaeck indicated efforts already appear successful)
- potential impact on circulation
- duration of the lease for the operation (3 years then month-to-month) / length of years remaining for the operation under the current lease / potential cancellation of lease
- if current applicant dropped administer of program, could another non-profit assume (if time frame met, yes)
- effort to round up and move to this center the current numbers of day workers at Home Depot: would require outreach to employers to have to come to day workers

Vice-Chair Lyle opened the public hearing.

Charles Weston, no address given speaking as the property owner, said most of items in

## PLANNING COMMISSION MEETING MINUTES

JUNE 8, 2004

PAGE 8

this program reflect a cost saving, as they (the improvements) are not needed permanently. Mr. Weston indicated he would like to have the City Council engage in discussion prior to completion of the off-site improvements. "Not to allow them (the applicant) to occupy the building before off-site improvements are completed would not be fair," Mr. Weston claimed. "The building will be ready before off-site improvements are completed so, to occupy it would be a good thing. The off-site improvements are being worked on, and requires considerable time-consuming effort, such as doing all the paper work."

Julian Mancias, 1155 E. San Martin Ave., San Martin, told Commissioners he has been active with the day worker community, and involved since the beginning of working with City representatives to 'get the facility up and going' and make better working conditions for the men. Mr. Mancias told Commissioners that he and his colleagues have thought of all the questions raised here this evening. He pledged that the organization 'will do everything possible to make successful workers'. Mr. Mancias said that one of the major problems is that the workers available are always changing. He spoke of the workers helping with the project and finding comfort in working on "their center". Mr. Mancias reiterated that the program seems to be working, it 'feels comfortable', and provides security. "We will do whatever we can to make it work," Mr. Mancias assured the Commissioners. "We have worked hard and spent many hours." He asked the Commissioners to approve the request 'so we can be successful instead of just waiting'.

Commissioner Mueller asked Mr. Mancias if the applicant understands the requirement of a complete exit plan, caution that the exit plan must be in place before the interim permit is approved. Mr. Mancias responded that the applicant can't provide a solid exit plan. "We have goals, but not a solid plan." Commissioner Acevedo explained the purpose of an exit plan. Commissioner Mueller commented on the fact that the applicant must have an exit plan for a permanent place of service. Mr. Mancias told what happened at the City Council meeting, saying he was told to try to have an exit plan, but not that will work as they have not yet moved in. "We will work on it, but need to get in to the building first, then the plan will come." Mr. Mancias explained that work has begun on the exit plan, but it must be greatly refined.

Commissioner Acevedo asked about the involvement of employers, inquiring if the communication with that group is good? Mr. Mancias said the employers wanted to use the centralized service.

Commissioner Escobar commented that the employers appear to change as often as the workers. He asked if there is opportunity for a limited scope of work? Mr. Mancias said his group is actively placing signage, has communication with media, hanging flyers, not so much to pick certain employers, but get work to the community. Mr. Mancias said that the other component to the question has been to study operations of other centers at various locations, "We study the operation, and find that employers go once the service is opened, then everyone feels good – it's all about community support and involvement."

Vice-Chair Lyle asked if the applicant would like to consider expansion of hours of operation beyond noon? Mr. Mancias said that generally if workers don't get work by noon, they go home. Some stay a while longer, he said, if they can work on the center.



# PLANNING COMMISSION MEETING MINUTES

JUNE 8, 2004

PAGE 9

Vice-Chair Lyle persevered by asking if there is anything, such as shortage of staff in the center that precludes extension of hours? Mr. Mancias said he would prefer the longer hours and there was no barrier to having extended hours.

With no others present to speak to the matter, the public hearing was closed.

**COMMISSIONER MUELLER OFFERED RESOLUTION NO. 04-57, RECOMMENDING APPROVAL OF THE DEFERRAL OF SEVEN ON-SITE IMPROVEMENTS FOR A PROPOSED DAYWORKER CENTER TO BE LOCATED AT THE NORTHEAST CORNER OF DEPOT STREET AND E. MAIN AVENUE ON 0.68 ACRES IN THE CENTRAL COMMERCIAL RESIDENTIAL (CC-R) ZONING DISTRICT, TOGETHER WITH THE FINDINGS AND CONDITIONS CONTAINED WITHIN, ALONG WITH THE FOLLOWING MODIFICATIONS:**

**Section 4: ~~three-two~~ years: or until the lease expires, not to exceed three (3) years total.**

**Standard Conditions: page 21 (add)**

**9. Applicant shall present an exit plan to the City Council prior to occupancy.**

**10. The hours of operation shall be extended to 3:30 p.m. on an 'as required basis'.**

**THE MOTION WAS SECONDED BY COMMISSIONER ESCOBAR AND PASSED WITH THE FOLLOWING VOTE: AYES: BENICH, ESCOBAR, LYLE, MUELLER; NOES: ACEVEDO, who stated that the efforts are admirable, but the findings contain too many assumptions that are just assumptions, citing the examples of circulation and the exit plan; ABSTAIN: NONE; ABSENT: ENGLES, WESTON.**

*Chair Weston resumed authority of the meeting at 8:58 p.m.*

## **4) ZAA-01-20: TENNANT- SAFEWAY**

A request to amend the precise development plan for the Tennant Station shopping center located on the south east corner of the intersection of Monterey Rd. and Tennant Ave. The requested amendment would allow for a reduction in the drive aisle width between the new Safeway building and the existing shopping center buildings to the east.

PM Rowe gave the staff report, saying this request is to amend the precise development plan. PM Rowe explained the recommendation of the ARB at their May 20, 2004 meeting, which has caused renewed staff concern.

Commissioners questioned staff in several areas:

- the building east of the drive aisle where work is being done on the roof area
- potential for structural changes of the buildings in the complex
- exit double-doors (clarified these are not delivery doors)
- discussion of the April 27 meeting concerning the need for an 8-foot sidewalk; the applicant now proposes to eliminate the sidewalk and place landscaping to compensate for loss of pedestrian access/movement; the applicant wants to put in other walkway in order to enhance pedestrian accessibility to shopping center

## PLANNING COMMISSION MEETING MINUTES

JUNE 8, 2004

PAGE 10

Chair Weston opened the public hearing.

Chris Long, 2151 Salvio St., Concord (landscape architect) and Galen Grant, 301 Hartz Ave, #23, Danville, (architect) gave a tandem presentation to Commissioners. Some of the points presented included:

- the site plan drawing presented in the staff report correct reiterating points that are true and accurate
- building structure has not moved since original submittal and is not closer to other buildings
- many area Cities are finding reduced roadways reduce speed and can do in lieu of speed bumps (don't want lane to be thoroughfare for high speed)
- it is not practical to cut back and recess the eaves on adjoining buildings (Safeway doesn't own that building)
- what is being proposed is 'something superior to original proposal'; and the presenters were pleased to add 'landscaping rather than hardscape'; thereby affording as rich an experience as possible with landscaping
- now there will be 15 trees, a continuous row of shrubs, with a cut into the hardscape on bowling alley side, with 11 cuts introducing plant scapes on that side
- this is a definite improvement showing shrubbery on left, trees on right, with buttress style trellis features
- good solution presented with better landscaping to soften the drive-through with goose neck light at pilasters, plus wall mounted trellis features
- a lot of surface treatment so that there is no need for drivers to spend time viewing interest items on the walls (safety matter) also softens vertical wall

Commissioners asked questions about:

- the sidewalk on the north side of Vineyard (Mr. Grant said he did not know why they want to do that or if Safeway would want to do that; he remarked he didn't get the staff report in advance. "Safeway is in total agreement with what was being proposed when we walked in here.)
- location of the Safeway property line
- approval obtained from Terra Commercial (the shopping center owner) to extend irrigation to support landscape
- height of overhang over sidewalk (ceiling)
- double doors required for exit only; location of handicapped ramp landing coming out of doors
- code for handicapped exit from building
- taking away sidewalk and providing landscaping so more trees added almost like green wall, interrupted with flowering trellis the purpose of which was to step down from building to street (Safeway store is a little higher than street, and the designers were able to reduce curb to 6 inches so good benefits to making change)
- elimination of raised planters which will reduce buildup of garbage behind them
- height and type of trees proposed
- tunnel effect of wall (some Commissioners were pleased with tree/wall effect)
- tree location in relation to car parking

## PLANNING COMMISSION MEETING MINUTES

JUNE 8, 2004

PAGE 11

With no others present indicating a wish to speak to the matter, the public hearing was closed.

Commissioners discussed the matter at length while addressing the following issues:

- Planning staff recommendation
- ARB recommendation
- taller vehicles could run into the corner(s) of buildings
- possibility of building buttresses with height limit
- enclosing entire area
- different accessibility for handicapped (but would take away from landscaping)
- need more separation with sidewalk on north side of Vineyard
- possibility of removing roof of adjacent building
- ARB recommendation of 25 ft driveway with 8 ft sidewalk on the east side (several variations to this were suggested and discussed)
- concern about moving street to pillars
- trees between columns instead of front
- pedestrian pathways
- signage, including directional signs to various businesses
- concern of pedestrians walking through the delivery areas drive
- channeling walkers through the center of the complex
- treatment at entrance [possibly cobblestone (this was rejected as detrimental to meeting the ADA)]
- continued concern of the ‘tunnel effect’
- safety issues – of pedestrians and motorists
- sidewalk location
- artistic treatment for the walls (enhance interest for pedestrians by placing a large tile motif, farm scene, mushrooms, etc. coupled with trees, trellises
- center’s original designed
- handicapped door and ramp

With the Commissioners having engaged in lengthy discussion regarding the drive aisle and the sidewalk widths, PM Rowe suggested deferring the tree selection issue to a subcommittee of the ARB, and including the types of landscaping and placement of same. Commissioners were amenable to this thought.

Mr. Grant urged Commissioners to keep in mind that this is an entire shopping center, and to avoid focusing on one facet of that center.

**COMMISSIONER MUELLER OFFERED RESOLUTION NO. 04-58, RECOMMENDING APPROVAL, WITH THE FINDINGS AND CONDITIONS CONTAINED THEREIN, OF AMENDMENTS TO THE PRECISE DEVELOPMENT PLAN FOR THE TENNANT STATION SHOPPING CENTER, AND WITH THE FOLLOWING MODIFICATIONS EMPHASIZED:**

- pavers at specific cross over locations (pedestrian crosswalks)
- 24 foot drive aisle (curb to curb) and a 6-inch curb along the drive aisle
- tree location(s), height, type to be decided with the ARB
- shrub planters located between – not in front of – columns
- height of metal buttresses and/or trellis to be negotiated with ARB

**PLANNING COMMISSION MEETING MINUTES**

**JUNE 8, 2004**

**PAGE 12**

- **directional signs placed for clear location of all businesses within the center**

**COMMISSIONER ESCOBAR SECONDED THE MOTION, WHICH CARRIED WITH THE FOLLOWING VOTE: AYES: ACEVEDO, BENICH, ESCOBAR, MUELLER, WESTON; NOES: LYLE, who argued for ‘better dimensions’ for the drive aisle and sidewalk and expressed concerns of the landscaping encroaching onto the drive lane; ABSTAIN: NONE; ABSENT: ENGLES.**

**5) SD-04-06/  
DAA-03-11: SAN  
PEDRO-DICONZA**

A request for approval of an 8-lot subdivision map on .80 acres. Also, a request to amend the development agreement to include 8 additional supplement allocations for Fiscal Year (FY) 2004-2005 and to move up 8 allocations from FY 2006-2007 to FY 2005-06 for the San Pedro Villas project located at the northeast corner of Butterfield Blvd. and San Pedro Avenue.

AP Plambaeck presented the staff report, calling attention to the following modifications to the report:

Resolution No. 04-59: Standard Conditions

page 11: XIII. B: ~~Walnut Grove Drive~~ North side of San Pedro adjacent to the project site

page 12: XV. D ~~Santa Clara Valley Water District~~

1. ~~Storm drain calculations to determine detention pond sizing and operations.~~  
*Calculations for storm water run off.*

Resolution No. 04-60 (Development Agreement)

page 11 (v) (ii) ....escrow) for the ~~three~~ *four* moderate rate units.....  
inclusion of revised Exhibit “B”

Chair Weston opened the public hearing.

The applicant was in the audience, and offered to answer questions.

With no other persons present indicating a wish to speak to the matter, the public hearing was closed.

**COMMISSIONER MUELLER OFFERED RESOLUTION NO. 04-59, APPROVING AN 8-LOT, SINGLE-FAMILY RESIDENTIAL SUBDIVISION OF AN OVERALL 32-UNIT PROJECT LOCATED AT THE NORTHEAST CORNER OF SAN PEDRO AVE. AND BUTTERFIELD BLVD. IN AN R2-3, 500 RPD ZONING DISTRICT, INCLUDING THE FINDINGS AND CONDITIONS CONTAINED THEREIN AND WITH THE FOLLOWNG MODIFICATIONS:**

page 11: XIII. B: ~~Walnut Grove Drive~~ North side of San Pedro adjacent to the project site

page 12: XV. D ~~Santa Clara Valley Water District~~

1. ~~Storm drain calculations to determine detention pond sizing and operations.~~ *Calculations for storm water run off.*

**COMMISSIONER ACEVEDO SECONDED THE MOTION, WHICH PASSED WITH THE UNANIMOUS VOTE OF ALL COMMISSIONERS PRESENT; ENGLES WAS ABSENT.**

**COMMISSIONER MUELLER OFFERED RESOLUTION NO. 04-60, RECOMMENDING APPROVAL, INCLUDING THE FINDINGS AND CONDITIONS CONTAINED WITHIN, OF AN AMENDMENT TO AN APPROVED DEVELOPMENT AGREEMENT FOR APPLICATION DAA-03-11: SAN PEDRO-DICONZA FOR APPLICATION MP-02-07: CORY-SAN PEDRO PARTNERS, TOGETHER WITH THE FOLLOWING AMENDMENTS:**

- **page 11 (v) (ii) ....escrow) for the ~~three~~ four moderate rate units.....**
- **inclusion of revised Exhibit “B”**

**THE MOTION WAS SECONDED BY COMMISSIONER ESCOBAR AND CARRIED WITH THE FOLLOWING VOTE: AYES: ACEVEDO, BENICH, ESCOBAR, LYLE, MUELLER, WESTON; NOES: NONE; ABSTAIN: NONE; ABSENT: ENGLS.**

**6) DAA-98-11:  
SPRING-MALONE/  
FILIOWICZ**

A request for an amendment to the Development Agreement for the Spring Manor Development located on the South side of Spring Ave. The requested amendment is for a one-year extension of time. The subject site is located at 16630 Eagle Island Court in R-1 (12,000) zoning district.

PM Rowe presented the staff report telling commissioners this is a request for a one-year extension of a custom lot plan to commence building within one year. He further indicated that the request has come about for a variety of reasons, some having to do with the economy, as well as confusion as to the time limits. PM Rowe stated, “This is the last lot in this subdivision, and we feel it will be completed and will finish the subdivision.”

Commissioners engaged in discussion with PM Rowe when permits are to be pulled, timelines, and communication issues between seller/developer/builder. PM Rowe pledged that staff will work with the applicant for smooth transition. There was further discussion on the benefit to consider extending the agreement beyond the time requested.

Chair Weston opened the public hearing.

Ken Speer, 866 Covey Court, Hollister, said he is the potential buyer for the lot, having made an offer. One of the conditions of purchase, he explained, is obtaining the extension. Mr. Speer told Commissioners he has gotten the services of an architect and informed of the anticipated time frame. He said he is working on obtaining financing for the project, is currently living in Hollister, working in Santa Clara and wants to abandon the current commute. Mr. Speer said he thinks he can meet the deadlines with the extension.

As there were no others present indicating a wish to speak to the matter, the public hearing was closed.

**COMMISSIONER BENICH OFFERED RESOLUTION NO. 04-61, RECOMMENDING APPROVAL OF A ONE-YEAR EXTENSION FOR**

**PLANNING COMMISSION MEETING MINUTES**

**JUNE 8, 2004**

**PAGE 14**

**DEVELOPMENT AGREEMENT AMENDMENT APPLICATION, DAA-98-11: SPRING – MALONE/FILIPOWICZ, INCLUSIVE OF THE FINDINGS AND CONDITIONS CONTAINED WITHIN, AND WITH THE FOLLOWING MODIFICATIONS:**

**Section 2: ....Municipal Code and recognizing the extra difference in developing a custom unit...**

**....June 30, 2005, with permits pulled by 3-31-05.**

**THE MOTION WAS SECONDED BY COMMISSIONER MUELLER AND CARRIED WITH THE FOLLOWING VOTE: AYES: ACEVEDO, BENICH, ESCOBAR, LYLE, MUELLER, WESTON; NOES: NONE; ABSTAIN: NONE; ABSENT: ENGLES.**

**7) DAA-00-01:  
CHRISTEPH-  
KOSICH**

A request to amend the development agreement for a single family home to allow a six-month extension of time and to eliminate a requirement for a five-ft pathway. The subject site is located at 18100 Christeph Drive in an R-1(12,000) zoning district.

PM Rowe gave the staff report, telling the background relating to the request. This is one unit of a micro measure P allocation built under the one building exemption. When the allocation for the subdivision was awarded, one condition was the pathway construction to the gazebo. A neighboring property owner objected to the required path because of issues with trees, landscaping, and privacy. The applicant, PM Rowe said, is proposing to modify the plan to eliminate the sidewalk. PM Rowe said staff agrees, and indicated the application score would not change because of the objection, but variations to the schools category would be had. PM Rowe stressed the applicant has been working diligently, but the project has revealed many complicated issues which have been difficult to resolve.

Commissioner Mueller led discussion about the completion of Llagas Creek Drive, including the creek crossing.

Chair Weston opened the public hearing.

Dewey Kosich, 16205 Camino del Sol, Los Gatos, told Commissioners the problem: he wants to live here, and the neighbor is concerned about the safety of the path and Mr. Kosich doesn't want any animosity. He said he is just trying to clear up the issues and get a six-month extension.

Commissioner Lyle asked how long the project has been in the plan check queue? PM Rowe said the plan check has been completed.

Chair Weston questioned if the path is eliminated, would that eliminate the gazebo as well? Mr. Kosich said, "Yes, the neighbors are concerned that the gazebo might attract undesirable persons, but in lieu of the gazebo I would like to do 'something else'."

With no other person present to address the matter, the public hearing was closed.

**COMMISSIONER MUELLER OFFERED RESOLUTION NO. 04-62, RECOMMENDING APPROVAL OF A SIX-MONTH EXTENSION FOR DEVELOPMENT AGREEMENT APPLICATION, DAA-00-01: CHRISTEPH -**

**KOSICH, TOGETHER WITH THE FINDINGS AND CONDITIONS  
CONTAINED THEREIN.**

Chair Weston asked Commissioners to consider discussion of the applicant's offer (in lieu of the gazebo, do 'something else'); others reminded that the applicant must negotiate the matter with the schools.

Commissioner Lyle suggested including language about elimination of the gazebo. Other Commissioners agreed, and the maker of the motion indicated inclusion of the language.

**COMMISSIONER ACEVEDO SECONDED THE MOTION WHICH CARRIED  
WITH THE UNANIMOUS VOTE OF ALL COMMISSIONERS PRESENT;  
ENGLES WAS ABSENT.**

**ANNOUNCEMENTS:** PM Rowe reported on recent City Council actions, including the actions taken on recommendations by the Commissioners of the RDCS, providing geographical, core area definition of the Downtown area ; identification and inclusion of some 'opportunity sites'; establishment of 15 set-asides for multi-family units in FY 07-08.

PM Rowe also announced that for the Measure C competition next year, applications will need to be submitted in October.

Responding to questions from the Commissioners, PM Rowe said it will be necessary to make recommendations in forthcoming talks on the need to address various uses through zoning. Discussion ensued on the changes for the point system recommended by the Planning Commission.

Commissioner Acevedo asked about the potential for expansion of the car dealership areas. PM Rowe told Commissioners of the neighboring issues/concerns, and said the entire area is being studied. PM Rowe continued that staff is working with a subcommittee of the City Council, and all are hoping for additional meetings with area residents.

Commissioner Mueller inquired as to the status of the traffic analysis workshop. PM Rowe said several 'snags' have occurred, including considerable personnel changes with the traffic consultants firm. He said he is working on a plan to present that workshop with Planning staff, noting the matter is still on a tentative agenda.

PM Rowe said the Street Standards are being worked on.

David Bischoff is working toward completion of the Housing Element. PM Rowe said staff has completed the count and the City is about 83 units above what is needed to meet numbers required by the State. Commissioner Mueller said the Planning Commission wants data included in the Housing Element regarding income levels. PM Rowe disclosed that Mr. Bischoff is working on that.

**ADJOURNMENT:** With no further business to come before the Commissioners, Chair Weston adjourned the meeting at 11:13 p.m. by urging residents to attend the opening of the Aquatic Center on the weekend.

**PLANNING COMMISSION MEETING MINUTES**  
**JUNE 8, 2004**  
**PAGE 16**

**MINUTES RECORDED AND PREPARED BY:**

---

**JUDI H. JOHNSON, Minutes Clerk**

R:\PLANNING\WP51\MINUTES\PCminutes\2004\June\PC060804.Min.DOC